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RIGHTS OF THE CHILD

Written statement* submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Child Soldiers

1. Friends World Committee for Consultation (Quakers) is submitting this written statement on behalf of the Coalition to Stop the Use of Child Soldiers, the members of whose Steering Committee are: Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, Jesuit Refugee Service, Quaker United Nations Office Geneva, Rädda Barnen (Swedish Save the Children, on behalf of the Save the Children Alliance) and World Vision International, as well as regional non-governmental organisations from Africa, Latin America and Asia.

2. The Coalition to Stop the Use of Child Soldiers welcomes the fact that enough States have ratified the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict to bring it into enter into force on 12 February 2002. As of 7 January 2002, 13 States had ratified and 93 signed this Optional Protocol. The Coalition is pleased to note not only the number of States signifying their commitment to end the use of children in combat, but that of the ratifying States all but three have indicated in their declarations under Article 3 of the Protocol that they have a voluntary recruitment age of at least 18 years. The Coalition is looking forward to the Committee on the Rights of the Child's consideration of State reports under the Optional Protocol, and is pleased to note that the Committee has adopted Guidelines for these reports (CRC/OP/AC/1).

3. The 56th UN General Assembly endorsed the Committee's request for the UN Secretary-General to conduct an in-depth study on the issue of violence against children and to put forward recommendations for appropriate action, including effective remedies and preventive and rehabilitation measures. It is essential that this study include the juvenile justice issues taken up by the Committee at its first thematic discussion day on "State Violence against Children" (22 September 2000), when it recommended, *inter alia*, that States parties to the Convention review any special legislation applying to children under 18 years in their armed forces to ensure that it reflects appropriately the provisions of the Convention, the UN Standard Minimum Rules for the Administration of Juvenile Justice and the UN Rules for the Protection of Juveniles deprived of their Liberty, and other applicable standards. We urge all states who currently have under-18s in their armed forces to undertake such a review as a matter of urgency.

4. The whole issue of the appropriateness of the application of military law to children and juveniles merits serious attention, and should be included in the updated report on the evolution of the administration of justice through military tribunals which Mr Louis Joinet is preparing for the UN Sub-Commission on Promotion and Protection of Human Rights. Children and juveniles come before military tribunals if they are part of the government armed forces, including as pupils in military schools if they have the status of members of the armed forces. Children and juveniles may also be tried by military tribunals if they are captured fighting with opposing armed forces or armed groups.

5. The Coalition to Stop the Use of Child Soldiers calls on all governments and armed groups who currently recruit under-18s to stop doing so and to demobilise or otherwise release into safety any under-18s in their ranks. In particular, governments and others with influence are urged to use it to ensure that those armed groups who have made commitments not to recruit children and to demobilise those in their ranks, do fulfil them and to ensure that all demobilised children – boys and girls – are given access to appropriate rehabilitation and reintegration processes. In this

context, we also urge States to provide training in child rights and child protection for their armed forces, including all personnel engaged in peace-keeping and peace support operations.

6. The Rome Statute for an International Criminal Court proscribes all recruitment (conscription or enlistment) of children under 15 years and all active use of them in hostilities as a war crime in both international and non-international armed conflicts. The Coalition to Stop the Use of Child Soldiers welcomes the increasing number of ratifications of the Statute, and calls on all States, whether or not they are or plan to become parties to it, to make all recruitment and use in hostilities of children under 15 years a war crime, including providing for the exercise of universal jurisdiction over this crime.

7. The Coalition welcomes the establishment of the expert committee to supervise the implementation of the African Charter on the Rights and Welfare of the Child. The Charter requires States parties not to recruit children under 18 years and to take all necessary measures to ensure that children do not take part in hostilities. In relation to this provision, we encourage the Committee to take account of the issues and questions identified in the Guidelines for State reports under the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

8. The inclusion of a prohibition on forced or compulsory recruitment of children for use in armed conflict in the ILO Worst Forms of Child Labour Convention (182), has led to increased attention to this issue from the ILO. We welcome the inclusion of this issue in the ILO *Global Report on Child Labour* to be issued later this year and considered at the International Labour Conference. Similarly, the issue of trafficking of children for armed conflict is included in the ILO International Programme on the Elimination of Child Labour (IPEC) report on *Trafficking of Children: The problem and responses worldwide*. The linkages between the issues of child soldiering, child labour and trafficking of children are, therefore, being increasingly recognised.

9. The Coalition to Stop the Use of Child Soldiers calls on the Commission on Human Rights to:

(a) Welcome the entry into force of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict on 12 February 2002;
(b) Urge all States who have not yet done so to become parties to this Optional Protocol, without reservations, and to declare a minimum voluntary recruitment age of at least 18 years;
(c) Welcome the UN General Assembly's endorsement of the Committee on the Rights of the Child's request that the UN Secretary-General conduct an in-depth study on the issue of violence against children, and request the inclusion of children who are subject to military law in that study;
(d) Call on States to review their national legislation as recommended by the Committee on the Rights of the Child at its first day of discussion on Violence against Children (22 September 2000), in particular to ensure that any military law under which children or juveniles could be tried is compatible with the provisions of the Convention on the Rights of the Child and the international standards on juvenile justice;
(e) Welcome the decision of the Sub-Commission on Promotion and Protection of Human Rights (E/CN.4/Sub.2/DEC/2001/103) to request Mr Louis Joinet to update his interim report on the evolution of the administration of justice through military tribunals, and encourage him to include issues in relation to children and juveniles in this, taking into

account the Convention on the Rights of the Child and the international standards on juvenile justice.

(f) Urge all States who have not yet done so to become parties to the ILO Worst Forms of Child Labour Convention (182) and the Rome Statute of the International Criminal Court;

(g) Propose that States provide in their domestic law for (at least) all recruitment and use in hostilities of children under 15 years to be a war crime with provision for exercising universal jurisdiction over this crime; and

(h) Encourage all member States of the OAU who have not yet done so to sign and ratify the African Charter on the Rights and Welfare of the Child.